BOOK REVIEWS.

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THE INTERNATIONAL LAW AND CUSTOM OF ANCIENT GREECE AND ROME. By COLEMAN PHILLIPSON, M. A., LL. D., LITT. D., OF THE INNER TEMPLE. London and New York. THE MACMILLAN COMPANY. 1911. 2 vols., pp. xxiv, 419; xvi, 421.

The present work, embodying as it does, the results of a serious and intelligent effort to furnish a systematic and comprehensive account of the international law, public and private, of ancient Greece and Rome, constitutes a substantial and important contribution to the history of law and of international relations. In preparing for the performance of his task, the author has covered a wide field of historical and legal literature, comprising most of the ancient writers and the works of modern investigators, nor has he omitted to consult collections of Greek and Latin inscriptions. The opinion which has been generally expressed by modern authorities on the law of nations, that the ancients had no conception of the obligations of justice and humanity in their international relations and that no such thing as international law existed among them, he considers to be extreme and one sided. While calling attention to the distrust often expressed to-day of the sufficiency of the present system of international law, as a caution against the too ready acceptance of the utterance of hostile criticism, he maintains that the ancients were by no means entirely indifferent to "the moral obligations of justice and humanity between peoples," that they were not regardless of the elementary rights of the individual, that the stranger was not necessarily looked upon as an enemy or a spy, that the normal state of nations was not war, and that, even in their relations with barbarians, the attitude of the Greeks and Romans was not more hostile than that of the modern civilized peoples. In the development of his subject, the author discusses the Greek city-state system and the Greek conception of law, the juristic genius of Rome, and the extent to which the recognized international law, the rights and duties of aliens in Greece and in Rome, the rights and duties of ambassadors, the right of asylum and extradition, the making and observance of treaties, the principle of the balance of power, the practice of international arbitration in Greece and in Rome, the employment of coercive measures of redress short of war, and the conduct of war, by land and sea, with all its incidents and usages. The reader of these volumes cannot fail to remark the striking similarity of many of the ancient rules to those of modern times, a similarity arising not from imitation but from the operation of the rule that like customs are produced by like conditions. In the neglect to bear this rule in mind, writers on comparative law have not infrequently fallen into the error of assuming a causal connection where none in fact existed. The author expresses the belief that readers unacquainted with the ancient or modern languages will be able to follow the main substance of the work, since his citations have either been translated or their purport embodied in the text. We could wish that he had adopted and uniformly adhered to the rule of embodying exact translations in the text, and given the original passages either immediately afterwards or in foot notes, preferably the latter. The question is not merely that of the ability of the reader to translate languages other than his own. Books presumptively are written to be read, and not only to be read but to be read and consulted with ease

and expedition. This is assured when they can be read in the language in which they are ostensibly published. An author is of course presumed to have studied carefully each foreign text that he reproduces, and the reader, who cannot be expected to give as much time to the reading of a work as the author gave to its composition, naturally desires to have the full benefit of that study, just as Dr. Phillipson has, as he states, availed himself of the translations of Jowett and Shuckburgh. It may therefore be hoped that Dr. Phillipson, in the further publications which he has in contemplation, will make it an invariable rule to help the reader in this respect.

J. B. M.

THE NEGOTIABLE INSTRUMENTS LAW ANNOTATED. By JOSEPH DODDRIDGE BRANNAN. Cincinnati. THE W. H. ANDERSON COMPANY. 1911. pp. xxxiii, 30.

This is one of the most useful editions of the Negotiable Instruments Law. It represents not only a great deal of labor, on the part of Professor Brannan, but it discloses his appreciation of the needs of the student and of the practitioner.

A very useful feature is the table showing the corresponding sections of the Law as found in the statutes of the different States. When a New York lawyer comes upon an Oregon case, decided under section 4508, or a Massachusetts case under section 123, or an Illinois case under section 105, he has but to turn to his table to learn the corresponding section in his own State is 177. Another admirable feature is the statement after each section of the changes, if any, made in the Law by the various States which have adopted it. For example, section 146 (of the N. Y. Act, § 243) is followed by a note that the Kentucky and Wisconsin Acts omit the last sentence, and that the Colorado Act substitutes for it a sentence which is quoted at length.

Again, the difference between the sections of this Law and corresponding provisions of the English Bills of Exchange Act are brought out very clearly in foot notes; while Appendix II contains comparative tables of sections of the two Laws. This is really a great labor saving scheme for the busy lawyer.

The citations of cases are not confined to American reports, but include English decisions as well. Some of the latter are more valuable even to American courts and practitioners, for they contain authoritative interpretations of language which has been copied into our Law. Even when the language of the two Acts differs, the English decisions are often helpful. The annotations show that the English Act has given rise to much less litigation than ours. Probably, we are more litigious than our cousins across the sea. And then, it should be borne in mind that the Negotiable Instrument Law, in its attempt to bring about uniformity, has worked radical changes in the rules of commercial law in many of the States. The disposition of lawyers and judges to retain the old rules, notwithstanding the clear legislative intent to change them, has been shown in the decisions of some of the lower tribunals of this State persisting in the view that one who takes a negotiable instrument for an antecedent debt is not a holder for value. An admirable presentation of the cases on this point is found on pages thirty-two to thirty-four of this work.

A considerable portion of the volume is devoted to the controversy between various critics and defensive of the Law. Whether it was wise to give up the space required for reprinting these in full, may be questionable; but no one can doubt that the book, as a whole, is a thoroughly valuable one.

F. M. B.